



City of Albuquerque

Legislative File Number O-06-16 (version 1)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Amending Section 14-14-1-5 Roa 1994, A Portion Of The Subdivision Ordinance, To Define The Term "Solar Collector" And Adding A New Section To Prohibit Any New Subdivison From Restricting The Use Of Solar Collectors Within The Subdivision

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Section 14-14-1-6 ROA 1994 ("DEFINITIONS") is amended to add the following definition in alphabetical order:

[+SOLAR COLLECTOR. A fixed device, structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical, or electrical energy. The solar collector shall be used as part of a system which makes use of solar energy for any or all of the following purposes: (1) water heating, (2) space heating or cooling, and (3) power generation. +]

Section 2. The following new section is added and subsequent sections are renumbered accordingly:

[+§ 14-14-4-7 PROHIBITION ON PRIVATE RESTRICTIONS ON THE INSTALLATION OF SOLAR COLLECTORS ON PROPERTY WITHIN A SUBDIVISION.]

(A) The Development Review Board shall deny approval of any subdivision in which there are any deed restrictions, covenants, or binding agreements prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the proposed subdivision.

(B) The Development Review Board shall require that all subdivision plats approved following the adoption of this section shall contain language in substantially the following form: "No property within the subdivision shall at any time be subject to a deed restriction, covenant, or binding agreement prohibiting solar collectors from being installed on buildings or erected on the lots or parcels within the proposed subdivision."

(C) Nothing herein shall be read to allow solar collectors that are installed in such a way as to cause a nuisance or which are otherwise in violation of law.+]

Section 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,

clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

Section 4.COMPIRATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

Section 5.EFFECTIVE DATE. This ordinance shall take effect five days after publication by title and general summary.